



9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2013- 0917]

RIN 1625-AA00

Special Local Regulation; Lake Havasu City Christmas Boat Parade of Lights; Colorado River; Lake Havasu, AZ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily modifying the dates for the special local regulation in support of the Lake Havasu City Christmas Boat Parade of Lights on the Colorado River. This modification is necessary to reflect the actual dates of the event for this year which are December 6th and December 7th, 2013. Additionally, this temporary final rule adds a third evening, December 14th, 2013. This rule is necessary to provide for the safety of the participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this zone unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from 5 P.M. to 9 P.M. on December 6th, December 7th, and December 14th, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG-2013-0917]. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 A.M. and 5 P.M., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278-7656, e-mail d11marineeventssd@uscg.mil. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

| | |
|------|---------------------------------|
| BNM | Broadcast Notices to Mariners |
| COTP | Captain of the Port |
| DHS | Department of Homeland Security |
| FR | Federal Register |
| NPRM | Notice of Proposed Rulemaking |

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority

under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because logistical details pertaining to this year's dates were not known by the Coast Guard in time to publish an NPRM and wait for the comment period to run.

Immediate action is needed to ensure the special local regulations listed in 33 CFR 100.1102 (table 1, item 10) will be in effect on the actual dates of the event, which are December 6th, December 7th, and December 14th, 2013.

Under 5 U.S.C. 553(d)(3), for the same reasons mentioned above, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Any delay in the effective date of this rule would be contrary to the public interest, because immediate action is necessary to protect the parade vessels from the dangers associated with non participant vessels transiting the event area.

B. Basis and Purpose

The legal basis and authorities for this rulemaking establishing a special local regulation are found in 33 U.S.C.

1233, which authorize the Coast Guard to establish and define special local regulations.

This temporary final rule and notice of enforcement will protect the participating vessels over the three evenings in December in a marine event sponsored by the London Bridge Yacht Club.

The annual Lake Havasu City Christmas Boat Parade of Lights will involve fifty vessels in Lake Havasu, AZ transiting Thompson Bay, proceeding through Bridgewater Channel, circling in front of Windsor Beach and returning through Bridgewater Channel. The regulated zone will encompass the navigable waters in the northern portion of Thompson Bay, the Bridgewater Channel, and waters off Windsor Beach. Vessel participants will be traveling in a parade line that will affect normal traffic patterns. In addition, event participants will be utilizing additional holiday lighting that will obscure or confuse required normal Navigation Lights and increase the dangers associated with non participating vessels transiting the area.

This temporary special local regulation is necessary to prevent vessels from transiting the area and to protect the participating vessels and passengers from potential damage and injury.

C. Discussion of the Final Rule

The Coast Guard is changing the dates of the special local regulation currently listed in 33 CFR 100.1102 (table 1, item

10). This change differs from the existing regulation by specifying that the event will be held on December 6, December 7 and December 14, 2013, instead of the first weekend in December. The special local regulations for the Lake Havasu City Christmas Boat Parade of Lights will be enforced from 5 P.M. to 9 P.M. on Friday, December 6, 2013; Saturday, December 7, 2013 and Saturday December 14, 2013. The special local regulation zone will encompass the waters in the northern portion of Thompson Bay, the Bridgewater Channel, and waters off Windsor Beach. The zone is necessary to provide for the safety of the spectators, participants, and other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this zone unless authorized by the Captain of the Port, or his designated representative. Persons or vessels requiring entry into or passage through the special local regulation must request permission from the Captain of the Port, or his designated representative. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM).

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and

Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size and location of the zone. Commercial vessels will not be hindered by the zone. Recreational vessels will not be allowed to transit through the designated zone during the specified times.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in the impacted portion of Lake Havasu from 5 P.M. to 9 P.M. on December

6, 7, and 14, 2013.

These special local regulations will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced only in the evening when vessel traffic is low. Before the effective period, the Coast Guard will publish a local notice to mariners (LNM).

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the FOR FURTHER INFORMATION CONTACT, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the "FOR FURTHER INFORMATION CONTACT" section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an

expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a special local regulation, upon the navigable waters of Lake Havasu. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the U. S. Coast Guard amends 33 CFR Part 100 as follows:

PART 100--SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233

2. Suspend item 10 in Table 1 of § 100.1102.

3. Add § 100.T11-607 to read as follows:

§ 100.T11-607 Special Local Regulation; Lake Havasu City

Christmas Boat Parade of Lights; Colorado River; Lake Havasu, AZ

(a) Location. The following area is a special local regulation: The waters in the northern portion of Thompson Bay, the Bridgewater Channel, and waters off Windsor Beach.

(b) Enforcement Period. This section will be enforced from 5 P.M. to 9 P.M. on December 6, 7, and 14, 2013.

(c) Definitions. The following definition applies to this section: designated representative, means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law

enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) Regulations. (1) In accordance with the general regulations in §100.35 of this part, entry into this area is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(3) Upon being hailed by U.S. Coast Guard patrol personnel or designated law enforcement representatives by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(4) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: November 6, 2013

S. M. Mahoney
Captain, U.S. Coast Guard
Captain of the Port San Diego.

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